

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

0.094 ACRES OF LAND, MORE OR
LESS, SITUATED IN HIDALGO
COUNTY, TEXAS; AND EDIBERTO B.
REYNA, JR., ET AL.,

Defendant.

§ 1. The purpose of this act is to provide for the

CASE NO. 7:08-CV-302

**UNITED STATES' AND LANDOWNERS' JOINT RESPONSE TO THE DISTRICT
COURT'S ORDER FOR A CASE STATUS UPDATE**

COMES NOW the United States of America and Linda Reyna, Ediberto B., Jr. & Carla G. Reyna (hereinafter “Landowners”), and in response to the District Court’s September 4, 2012, Order to inform the Court on the status of the case; inform the Court of any impediment to resolving the case; and, the prospects of resolution in the near future aver as follows:

This condemnation action was initiated on October 17, 2008 (Docket No. 1 & 2). The Landowners signed an “Offer to Sell” in the amount of \$5,750.00 representing an agreement on just compensation, and on November 4, 2008, that amount was placed in the Registry of the Court by the United States (Docket No. 4). On November 21, 2008, the United States deposited into the Registry of Court an additional amount of \$400.00 as estimated compensation for the property or interest in property taken (Docket No. 7). On June 21, 2010, the United States and Landowners subsequently filed a Joint Motion to Withdraw Funds (Docket No. 12). On June 24,

2010, the Court entered its Agreed Order (Docket No 15) distributing the funds on deposit in the Registry of the Court to the Landowners.

To date, the United States has not finalized an Amended Declaration of Taking for acquisition. Therefore, the United States cannot enter an agreement with the Landowners representing a final resolution of the case. The United States expects to finalize the Amendment to Declaration of Taking, within the next one-hundred twenty (120) days. Once finalized, the United States will file the Amendment to Declaration of Taking establishing final metes and bounds descriptions of the acquisition, a plat of the acquisition and adding any outstanding title issues.

The United States has undertaken efforts in the last thirty (30) days to reach the Landowners by sending a copy of the Court's Order and requesting that the Landowners contact the Brownsville Division of the United States Attorney's Office to discuss this case. The Landowners in this case received the United States' most recent correspondence, and the United States has been able to confer with the Landowners as directed by the Court.

The Landowners agree along with the United States that no scheduling order is required in this case. Both parties hope to submit a joint motion to close case once the Amendment to Declaration of Taking is filed.

WHEREFORE, premises considered, the United States and the Landowners pray the Court continue the suspension of deadlines in this matter pending final resolution of the Amended Declaration of Taking and any title issues raised as a result of filing the Amended Declaration of Taking.

Respectfully submitted,

FOR LANDOWNERS:


LINDA REYNA

EDIBERTO B. REYNA, JR.

CARLA G. REYNA

FOR PLAINTIFF

KENNETH MAGIDSON

United States Attorney
Southern District of Texas

By: _____
E. PAXTON WARNER
Assistant United States Attorney
Southern District of Texas No. 555957
Texas Bar No. 24003139
600 E. Harrison, Suite 201
Brownsville, TX 78520
Telephone: (956) 548-2554
Facsimile: (956) 548-2776
E-mail: Paxton.Warner@usdoj.gov

Respectfully submitted,

FOR LANDOWNERS:

FOR PLAINTIFF

KENNETH MAGIDSON

United States Attorney
Southern District of Texas

LINDA REYNA

s/ Ediberto B. Reyna, Jr. (by permission)
EDIBERTO B. REYNA, JR.

s/ Carla G. Reyna (by permission)
CARLA G. REYNA

By: *s/ E. Paxton Warner*
E. PAXTON WARNER
Assistant United States Attorney
Southern District of Texas No. 555957
Texas Bar No. 24003139
600 E. Harrison, Suite 201
Brownsville, TX 78520
Telephone: (956) 548-2554
Facsimile: (956) 548-2776
E-mail: Paxton.Warner@usdoj.gov